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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Justin K. Brask, et al.	Art Unit:	2811
Serial No.:	10/626,336	Examiner:	Ori Nadav
Filed:	July 24, 2003	Atty Docket:	ITL.1022US (P16709)
For:	Forming a High Dielectric Constant Film Using Metallic Precusor	Assignee:	Intel Corporation

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Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

In response to the new arguments raised by the Examiner in the Examiner's Answer in the section (10) Response to Argument, starting at page 4, the following Reply Brief is submitted.

For the first time on appeal, the Examiner attempts to submit evidence of the meaning of an oxidizer. In this regard, he submits the definition of oxidizing agent as being "a substance that oxidizes something." However, even accepting the Examiner's belated attempt to construe the claim, the rejection should still be reversed.

In the cited reference, there is no substance that oxidizes anything. The electrolyte is merely the carrier of electricity. It is the electricity that does the oxidation. By using electricity, one can avoid the need for an oxidizer or a substance that oxidizes something.

Using the grammatical construction relied upon by the Examiner, when a toaster falls in bath water, the Examiner would contend that the water electrocuted the person. But it was not

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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the water that electrocuted the person it was the electricity that did the action. Here, the action is caused by electricity in the cited reference and the electrolyte is merely acting as a conductive medium. The electrolyte itself does not oxidize and no substance does any oxidation.

Clearly, even under the Examiner's belated construction, the rejection should be reversed.

The flaw in the Examiner's reasoning is well illustrated by the language in the Answer at the bottom of page 5, "Although current flows in the electrolyte solution, the metallic film is still oxidized in liquid. Therefore, the liquid is an oxidizer." Just because the film is oxidized in a liquid does not mean that the liquid is the substance that oxidizes. Clearly, it is the electricity that is doing the oxidation. The mere fact that the film was in a liquid does not make the liquid the oxidizer. Certainly, basic chemistry permits no other construction.

Therefore, the rejection should be reversed.

Respectfully submitted,

Date: May 31, 2007

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